

REMARKS

Claims 13-14, 16, 18-19, 21-22, 24-27, 29, 31-32, 34-35 and 37-38, as amended, remain in this application for the Examiner's review and consideration. Claims 17, 23, 30 and 36 have been canceled from consideration with the present application without prejudice to pursue the subject matter of these claims in one or more continuation or divisional applications. Claims 13 and 26, the only independent claims, have been amended to recite that the game state profiles are used to identify a plurality of groups of participant identifications. Each identified group includes a plurality of participant identifications having a shared game context within the game state profiles that permits audio communication among the game participants associated with those participant identifications. A plurality of simultaneous and independent voice over internet protocol based audio conferences is established within the same network based game environment. Each audio conference is associated with one of the identified groups of participant identifications and permits audio communication for the participants associated with the associated group of participant identifications. In addition, a feature vector is identified between each pair of participants in each audio conference. Each feature vector includes direction and distance information between a given pair of participants and is used to modify audio signals exchanged between pairs of participants within a given audio conference. The dependent claims have been amended for consistency with the amendments to the independent claims and to further clarify the scope of protection sought by the present application. Support for these amendments can be found in the specification and claims as originally filed and in particular in claims 17, 23, 30 and 36 and page 6, lines 15-25. As these amendments do not introduce any new matter into the above identified application, their entry at this time is warranted.

Claims 13, 14, 16-19, 21-27, 29-32 and 34-38 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter for the reasons given in paragraph 4 of the Office Action. It was asserted that the claims contain recitations directed to humans. Applicants assert that this amendment overcomes this rejection and respectfully request that this rejection be withdrawn.

Claims 13, 14, 16-19, 21-27, 29-32 and 34-38 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,006,616 to Christofferson et al. ("Christofferson") for the

reasons given in paragraph 6 of the Office Action. It was asserted that Christofferson discloses all of the recitations of the present invention as claimed. Applicants assert that the amendments overcome this rejection for the following reasons.

Christofferson is directed to a teleconferencing bridge with edgepoint mixing that provides a separate mixing function for each participant in a conference for a high degree of end-user control in a conference. An audio mixer is provided for each participant, and based at least in part on the control streams, the audio bridge returns a separately mixed audio signal to each participant. The interface uses a packet-switched network such as an IP network. The visual interface includes a software program running on a PC such as an interactive gaming program. The participant's location within the virtual environment and the direction the participant is facing can be used in mixing the audio signal.

By contrast, the present invention as currently amended, recites establishing a plurality of simultaneous and independent voice over internet protocol based audio conferences within the same network based game environment among the game participants based upon the game state profiles. In particular, a plurality of groups is identified based on a shared game context within their associated game state profiles that indicate the audio communication among the members of that group is possible. By way of example, these shared game contexts include location in the same building and possession of a common communication device such as a two-way radio. Each independent audio conference is associated with a given group of participants to provide audio communication among the members of that group in compliance with the shared game context. The game environment has a plurality of simultaneous audio conferences. Therefore, participants with a common state profile are included in one of the audio conferences, but the other participants are excluded from that audio conference but may be included in another one of the concurrent audio conferences. For example, only participants within a given room can talk to each other, and participants in another room can also talk, but cannot talk to the participants in the first room.

Christofferson does not disclose or teach establishing a plurality of simultaneous and independent audio conferences. Instead, Christofferson is directed to and discloses providing a more realistic simulation of a real-world meeting experiences among all participants in a single

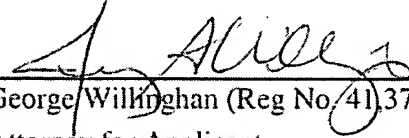
conference. This is accomplished by providing a separate mixing function for each participant in the conference. Therefore, each participant experiences a unique audio feed. However, all of the participants are in a single conference. There is no teaching or suggestion in Christofferson of creating a plurality of simultaneous audio conferences or of creating groups for the audio conferences based on the current state of a game, e.g., the current locations and associations among the participants in a single game. The present invention as currently recited also includes identifying a feature vector between each pair of participants in each audio conference. These vectors provide both relative location and distance information between a given pair of participants and are used to modify the audio conference between the pairs accordingly. Therefore, the group identifications determine groupings of participants that can have an audio conference, and the feature vectors determine the quality of the audio exchanges.

The dependent claims include additional recitations that further define the present invention over Christofferson. For example, claims 18, 19, 21, 31, 32 and 34 contain recitations regarding adding, removing or switching participants between the groups and therefore between the audio conferences in response to changes in the game state. Therefore, changes and movements of the participants in the game environment are expressed in the audio conferences. Christofferson does not maintain game state information on participants and does not create a plurality of simultaneous and independent audio conferences. Therefore, Christofferson cannot teach moving participants between audio conferences or using game state information in any capacity. Thus, Christofferson fails to disclose or teach all of the recitations of the present invention as currently claimed, and Applicants respectfully request that the present rejection be reconsidered and withdrawn.

Applicants assert that all claims are now in condition for allowance, early notification of which is respectfully requested. As the present amendments do not introduce any new claims above the original number of filed claims, no additional fees are believed due for the submission of this amendment. No other fees are believed due for this submission, should any fees in fact be due, please charge all such fees to deposit account no. 50-0510.

Respectfully submitted,

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